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INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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NOTIFICATION OF TRANSMISSION OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

Date of mailing
(day/month/year)

25.06.2001

Applicant's or agent's file reference
PA126894/PCT

IMPORTANT NOTIFICATION

International application No.
PCT/IB99/00546

International filing date (day/month/year)
30/03/1999

Priority date (day/month/year)

Applicant

ATTIEH, Mark, Russell

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PA126894/PCT		FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/B99/00546		International filing date (day/month/year) 30/03/1999	Priority date (day/month/year)	
International Patent Classification (IPC) or national classification and IPC G07F7/10				
Applicant ATTIEH, Mark, Russell				
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>				
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>				
Date of submission of the demand 30/10/2000		Date of completion of this report 25.06.2001		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80290 Munich tel. +49 89 2399 - 0 fax: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Kampka, A Telephone No. +49 89 2399 2244 		

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB99/00546

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
- Description, pages:

1-7 as originally filed

Claims, No.:

1-24 as received on 17/04/2001 with letter of 17/04/2001

Drawings, sheets:

1/1 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is.

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims. Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IB99/00546**

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c));

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1 - 24
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1 - 24
Industrial applicability (IA)	Yes:	Claims	1 - 24
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No PCT/IB99/00546

Re Item V

Reasoned statement under Art. 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: WO 96 13814 A (VAZVAN BEHRUZ) 9 May 1996 (1996-05-09)
- D2: WO 97 45814 A (VAZVAN BEHRUZ) 4 December 1997 (1997-12-04)
- D3: WO 98 42173 A (LAI ITI SEPPO ENSIO ; TELAMA SAMI PEKKA (FI); FD FINANSSIDATA OY (FI)) 1 October 1998 (1998-10-01)
- D4: WO 98 34203 A (QUALCOMM INC) 6 August 1998 (1998-08-06)
- D5: US-A-5 221 838 (FINKELSTEIN LOUIS D ET AL) 22 June 1993 (1993-06-22)

1. The present application does not satisfy the criterion set forth in Art. 33(3) PCT because the subject-matter of independent claims 1 and 22 is not inventive starting from document D1 (see the abstract) and taking into account the person skilled in the art of mobile telephones with SMS (short message service). The argumentation of the applicant in favour of inventive step in his letter dated 17.04.2001 has not convinced the examiner, because independent claims 1 and 22 do not seem to be limited to transactions between two bank accounts, whereby only communication of a telephone number over a public communication network is required. In the opinion of the examiner the independent claims also include the case of transactions between a mobile telephone user and a mobile phone systems provider of the type "telephone bill", i.e. a cellular phone logs in into a system of a phone provider automatically transmitting its telephone number. The charges are stored in an account in a database of the provider corresponding to the telephone number and (later) debited to a bank account of the user. Furthermore, independent claims 1 and 22 do not appear to exclude that apart from the telephone number also other data relating to the transaction are transmitted over the public communications network.

Independent claims 21 and 24 do not contain any concrete technical features and should have been deleted, see item VIII below.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/00546

2. Dependent claims 2 - 20 and 23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, because the feature of claims 3, 7 and 13 is already known from D1 (see page 3, line 7 - page 5, line 13 and the features of all other dependent claims are already contained in any conventional GSM cellular phone network with SMS).

Re Item VII

Certain defects in the international application

In order to meet the requirements of Rule 5.1(a)(ii) PCT, D1 should have been cited in the description and the relevant background art disclosed therein should have been briefly discussed.

The independent claims should have been drafted in the two part form, whereby the features known from D1 should have been placed in the preamble (Rule 6.3(b) PCT).

The features of preamble and characterizing part of all the claims should have been provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

Certain observations on the international application

Claims 21 and 24 are unclear, because they do not contain any concrete technical features, Art. 6 PCT. Claims which relate to the description and drawings are not permissible, see Rule 6.2(a) PCT and the Guidelines PCT/GL/3, III, 4.10. These claims should have been deleted.

Claim 22 is formally unclear, Art. 6 PCT, because it is directed to a system, however, appears to contain mainly features defining a process. The wording of a claim should leave no doubt having regard to its category (system or method), see the Guidelines PCT/GL/3, III, 4.1.

**INTERNATIONAL PRELIMINARY
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International application No. PCT/IB99/00546

The present set of claims contains 24 claims. The features of most of the dependent claims are anticipated by a conventional GSM cellular phone network with SMS (see also the above item V). Proliferation of a large number of dependent claims containing trivial features should be avoided. Therefore, the present application does not meet the requirement of conciseness, Art. 6 PCT.

The vague statement in the description on page 7, last paragraph implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4 3a).
